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Permanent Mission of Hungary to the United Nations Office  
and Other International Organizations in Geneva

**TELEFAX**

No. S-2/2012

To: Ms. Jane Connors, Chief, Special Procedures Branch, OHCHR

Telefax No.: 022-917-9006

Date: 21 February 2012

Number of pages including cover page: 1 + 12 + 21

Dear Ms. Connors,

Please, find attached the response of the Government of Hungary to the joint allegation letter (HUN 3/2011) sent on 21 December, 2011 by the Special Rapporteur on adequate housing as a component of the right to adequate standard of living, and on the rights to non-discrimination in this context and the Special Rapporteur on extreme poverty and human rights.

Sincerely yours,

*Warm regards,*

András DÉKÁNY  
Ambassador  
Permanent Representative

**Response of the Government of Hungary to the  
Joint Allegation Letter**

**AL Housing (2000-9) Poverty (1998-11)**

**HUN 3/2011 dated 21 December, 2011**

Following the political and economic transition in 1990, Hungary had to face the problem of homelessness almost from day one, and people in the streets required immediate services and measures. Act III of 1993 on Social Administration made these emergency measures practically permanent. Since then, the homeless care system has undergone a number of changes. Services forming the basis of the system (night-time shelters, temporary shelters, daytime shelters, soup kitchens) have expanded with institutionalised forms of care providing long term accommodation arrangements and rehabilitation. In addition, the network of institutions providing health care particularly to people living in the streets has also been extended and the number of organizations providing social care in streets has also increased (from 47 to 107 between 2004 and 2011).

Please find below the answers to the questions raised by the distinguished rapporteurs in their allegation letter:

**1. Are the facts summarized above accurate?**

Hungary considers the figures published in the allegation letter concerning homeless persons living in the capital slightly exaggerated, even though we merely possess rough estimates regarding the actual number of homeless persons living in Hungary (and in Budapest) as research of this kind is extremely complex and complicated. Nevertheless, many surveys have been conducted recently, providing information and often diverging data on the number and circumstances of homeless persons.

The most important source of information is the homeless census conducted on 3rd February every year since 1999. The so-called "Census of 3 February" has been carried out in many big cities besides Budapest since 2005. The aim of the **regular survey** is, on the one hand, to take a "snapshot" of the persons receiving homeless services and, on the other hand, to obtain data available for comparison to detect trends. Based on this census it is clear that for years there has been no considerable change regarding the number of homeless people, i.e. every year the number of homeless persons living in the streets and shelters in the capital varies between 7,000 and 8,000 (7,755 persons on 3 February 2011). Although participation and response is voluntary and a certain level of latency may and must also be considered, the estimated amount of 10,000 persons indicated in the letter is arguable.

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Putting the nation-wide number of homeless people to 30-35,000 is vastly exaggerated, since according to the aforementioned censuses, over half of the homeless are living outside Budapest. It would be useful to have more information regarding the methods and the data used in the allegation letter upon which the estimates were calculated.

**2. Has a complaint been lodged by or on behalf of the affected community?**

The NGO „The City is for All” has turned to the ombudsman with the issue of sanctioning the “inappropriate” use of public place. The ombudsman has asked the Municipality to review and to repeal relevant parts of its decree, but the Assembly of the Municipality – after careful consideration of the ombudsman’s appeal – had declined to change it.

The ombudsman therefore decided to bring the issue before the Constitutional Court and to challenge, on constitutional grounds, the legislation adopted by the Municipality (specifically Section 15/B (1), points c and d of amended Decree No. 59/1995), as well as Section 146/A of the Act on Offences, and articles (4)-(6) of Section 54 of the Act on the Formation and Protection of the Built Environment. The above submission is under consideration by the Constitutional Court.

The draft law of the amendment to Act LXXVIII of 1997 on the transformation and protection of urban environment was published in the Official Gazette of the Ministry of Interior on 2 September 2010. The document was also accessible on the Ministry’s homepage and was open for comments from the same date.

A petition against the draft was made by the group ‘The City is For All’ in late September followed by a letter of protest addressed to Mr. Sándor Pintér, Minister of Internal Affairs. The Ministry also received around 100 electronic comments, which were answered<sup>1</sup>.

**3. Please provide details of all shelter alternatives available for homeless people in Hungary in general and in Budapest in particular.**

According to the latest statistics in 2010, 10,499 persons (5,859 in Budapest<sup>2</sup>) were received in daytime shelters. In night-time and temporary shelters a total of 8,171 homeless persons were provided temporary accommodation nation-wide, and an additional 1,074 persons could find temporary lodging in the so-called seasonal shelters operated in wintertime. An additional 650 persons were provided care in institutions offering permanent nursing or rehabilitation programmes.

Information contained in the letter is not entirely accurate when it states that “in most of the homeless shelters care is provided in rooms with a capacity of over 50 persons”. Undoubtedly, many institutions cannot be considered as modern and operate in buildings in poor condition, but at the same time both the Government and workers in homeless care strive to improve these conditions.

Allegations in the letter concerning the care of homeless persons with families (more specifically the complete absence thereof) do not reflect the factual situation on the ground. Providing shelter for homeless families with children is examined and managed taking into

<sup>1</sup> [http://www.omb.gov.hu/web/jog\\_terv.nsf/4574acca75accbb1c125702005072eb9c2415158a92949b5c1257792006c115e7OpenDocument](http://www.omb.gov.hu/web/jog_terv.nsf/4574acca75accbb1c125702005072eb9c2415158a92949b5c1257792006c115e7OpenDocument)

<sup>2</sup> This has been increased to 6105 by the beginning of 2011. The government provided 4,8 billion HUF (16M €) in 2011 for this purpose.

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account the best interest of the child and using the principles of gradualism and minimal intervention into family life. The child and the parent are provided shelter together. The temporary family shelters operated with a nation-wide capacity of 3,566 in 2010 (including 1,168 places in Budapest<sup>3</sup>).

The **Child Protection Act** stipulates special care for children in case of homeless families with children. Act XXXI of 1997 on the Protection of Children and Guardianship Administration, in line with the spirit of the international conventions concerning the rights of the child, declares in general that children have the right to be raised in a family. For this purpose, the care system attempts to provide shelter for the child together with his/her family. This may be voluntary (the family seeking shelter in the so-called temporary family shelter for offering temporary lodging for homeless families with children) or ex officio, based on the indication of the so-called child protection signalling system. Schools, community nurses, service providers offering family counselling, guardianship offices and the police, courts and the public prosecutor's office are members of the signalling system.

**4. What measures have been put into place to replace services no longer available for the homeless community in Budapest, following the annulment of the contract between Budapest municipality and NGOs in March 2011?**

Information on the 30% of state normative support previously granted by the Municipality of Budapest requires further specification. The Municipality had agreements with 11 civil organizations in Budapest before March 2011, but it could not carry out its obligations properly regarding monitoring, flexible and targeted service provisions. The old model also hindered the establishment of clear areas of responsibility and accountability. When the newly elected municipality was confronted with a dramatic budgetary situation in 2011 it decided to scrap the old model of cooperation instead of tinkering with it. Also it **immediately started consultations with civil organisations in order to conclude new servicing contracts for the same amount (345M HUF, 1,15M €) to avoid any protection gap for the homeless in conformity with the "Social Reconciliation Program" initiated by Budapest Municipality.**

Mayor István Tarlós commissioned the **two largest and most experienced civil organizations operating in Budapest**, namely the Hungarian Maltese Charity Service and the Shelter Foundation to elaborate a new allocation mechanism. The two organizations have created the programme "More humane conditions instead of using public place" and **together with other 11 homeless service organizations have established a consortium** with the objective of noticeably decreasing the number and vulnerability of homeless people. The consortium also uses its own tools for the promotion of the organization of services related to social care for people without residence and homeless persons living in Budapest, and its operation **guarantees the harmonized, targeted and efficient use of resources** available for homeless services in Budapest.

Thus in 2011 the Municipality of Budapest did not withdraw resources from the homeless care system, rather it elaborated a new reallocation scheme to enhance the quality and efficiency of the service delivery with the active collaboration of the civil organizations concerned.

**5. Has your Excellency's government adopted a National Housing Strategy? If so, please provide details on the Strategy, in particular with regard to the situation of homeless**

<sup>3</sup> This has been increased to 1287 by the beginning of 2011.

persons. Please provide information on the estimated costs of implementation of the Strategy. To what extent have the concerned communities been allowed to participate in the design and drafting of the strategy?

It has to be noted that providing enough shelters alone would not solve the problem. Instead, more affordable and accessible housing conditions and the creation of job opportunities offering sufficient income for the maintenance of a proper accommodation should be pursued.

Partly owing to the above (and partly to prevent the possible escalation of the problem) the Government set as a priority the implementation the **National Social Inclusion Strategy and Governmental Action Plan**, including the complex programmes aimed at the improvement of housing conditions through its Resolution No. 1430/2011 (13 December). The Strategy summarizes under a separate heading the short and mid-term objectives related to housing. Along the transformation of the social housing system and housing benefits, access to healthy, safe and segregation-free housing must be secured. In the interest of reducing the risks of foreclosure and alleviating the burdens of families facing such a risk, the system of state aid provided for housing purposes is continuously being re-adjusted.

Programmes must be launched for home rehabilitation and repair in segregated urban housing projects and settlement parts with low infrastructure, as well as for the promotion of the employment and social integration of those living under such conditions. In the interest of the social inclusion of those living in segregated and segregated-like environments, complex programmes aimed at the improvement of social, community, educational, health care, employment and housing conditions must be implemented (15 billion HUF, 50M €, deadline: December 2012).

In addition, the **"House Protection" Action Plan** is aimed at the alleviation of the situation of those who mortgaged their homes in Swiss francs, with limiting or fixing the exchange rate (Act LXXV of 2011, Government Resolution 1191/2011), and providing state assistance for curbing high interests rates (Government Decree 341/2011).

To help the already failed debtors, the Government established the National Asset Management Office which buys up foreclosed homes and offers them to these debtors for a subsidised rent (Nemzeti Eszközkezelő, Act CLXX of 2011), and initiated a social housing project (Government Decree 156/2011) which is complemented by a subsidised rent program within the municipalities.

#### **Questions related to the modified Acts**

Pursuant to Section 63/A of Act LXV of 1990 on Local Governments, currently in effect and left unchanged by the recently introduced regulation, the Municipality of Budapest within its mandate and area of competence may regulate the utilization and order of its public place. Based on Section 1(1) of Act LXIX of 1999 on Misdemeanours (hereinafter: Act on Misdemeanours), a misdemeanour is an illegal act, manifested in the commission or omission to act, as defined by law, government decree or local ordinance, and the perpetrators of which shall be prosecuted under the relevant procedural rules of the Act on Misdemeanours.

The above regulations make it clear that local governments had already had the opportunity to regulate *inter alia* the use of public place by homeless people under the Act of

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Misdemeanours. In case of the Municipality of Budapest, within its mandate and area of competence regulating of the use and order of its public places is a legal obligation.

Newly modified parts of Section 54 of Act LXXVIII of 1997 on the Formation and Protection of the Built Environment (hereinafter: Act on Built Environment) effective as of 1 January 2011 have specified the provisions of the Act on Built Environment referring to the use of public places. They also limited and specified the powers of local governments described above, and already included in the existing regulations, whereby they could introduce new categories of misdemeanours, for instance, on the improper use of public places. Section 54(6), specifying the earlier provisions, authorized local governments to declare in a decree the unauthorized, unpermitted or improper use of public places within the borders of the locality as a misdemeanour. On the whole, the new regulation unambiguously sets out the legal situation as follows:

*"Act on Built Environment, Section 54*

*(4) The function of the public places shall be to ensure:*

- a) physical connection between and access to plots of land,*
- b) public road and pedestrian traffic (road, pavement etc.),*
- c) leisure time, recreation, entertainment and sports activities,*
- d) procession, assembly, community activities,*
- e) erecting statues and memorials and displaying works of art,*
- f) building public utilities,*
- g) establishing green places.*

*(5) Everybody shall be allowed to use public places in conformity with their function. Additional rules regulating the function and use of public places may be defined by law.*

*(6) The local government shall have the power to declare it a misdemeanour and sanction any use of public place within the borders of the locality without an underlying permission or agreement if such use is not in conformity with the function of the public place specified in (4) or by law."*

Pursuant to the authorization granted by the Act on Built Environment, the Municipality of Budapest, with its Decree passed on 27 April 2011, amended the Decree No. 59/1995 (20 October) (hereinafter: Decree) under which the use of public places as habitual residence shall qualify as punishable misdemeanour. In order to regulate uniformly this behaviour the Parliament decided to include a similar provision in the Act on Misdemeanours.

With respect to the above, effective as of 1 December 2011, the new Section 146/A was incorporated in the Act on Misdemeanours, sanctioning the repeated misdemeanour of using public places as habitual residence.

*"Act on Misdemeanours, Section 146/A*

*(1) The person repeatedly violating the rules relating to the use of public places as habitual residence or the use of public places for the storage of possessions necessary for permanent residency shall be punishable by imprisonment or a fine of up to HUF 150,000.*

*(2) The misdemeanour determined in Subsection (1) shall qualify as repeated misdemeanour if the prosecuted person was held liable pursuant to a final ruling for committing the same misdemeanour within six months preceding the commission of the act serving as the basis for the proceedings.*

*(3) The procedure falls under the jurisdiction of the court due to the misdemeanour determined in paragraph (1).*

*(4) The sanction defined in paragraph (1) shall not be applicable if the municipal self-government fails to provide for homeless services."*

**6. Did public consultation take place (including with potentially affected persons) prior to the adoption of those amendments? If yes, please give the details, date and outcome of these consultations.**

As all draft Acts, the relevant draft modification of the Act on Built Environment was published on the website of its initiator, the Ministry of the Interior (02.09.2010). Around 100 critical e-mails were received which were answered<sup>4</sup>. The draft was commented by 13 different authorities and civil organisations, including the ombudsman for data protection and the Mayor of Budapest. The modified act regulates more than 30 activities in public places (i.e. public market, concerts, parking, plants, etc).

The issue of the modification was frequently discussed in public meetings during the electoral campaign leading to the municipal elections (03.10.2010). The Ministry of the Interior consulted with relevant organizations; churches, the Hungarian Maltese Charity Service, the Hungarian Red Cross, and with the Budapest Municipality.

**7. Has a human rights impact assessment been carried out regarding these amendments? If so, who undertook such assessment and could you please provide us with the conclusions of the assessments? What are the estimated costs of the on-going enforcement of Act CLIII in the various municipalities in Hungary?**

There is no general legal requirement for the preparation of a human rights focused impact assessment study. On the other hand, each draft piece of legislation should be submitted together with a **general impact assessment** which contains *inter alia* the legal consistency of the proposed legal norm, budgetary implications, and compatibility with the EU aquis and other international legal obligations of Hungary. This document is intended for internal use among government departments.

To date there have been no cases initiated under this amended Act on Misdemeanours. It is to be noted that eventual costs are to be absorbed by the police authorities. The cost of special shelter and housing projects are born by the government, by the municipalities and in some cases by the Budapest districts.

**8. Have these amendments been contested before a judicial body? If so, please provide details and outcomes of these proceedings.**

<sup>4</sup>[www.orm.gov.hu/web/for\\_tery.ns/4574acca75accbb1c12570f2005072cb/9c2415158c9949b6c1257792006c115e?OpenDocument](http://www.orm.gov.hu/web/for_tery.ns/4574acca75accbb1c12570f2005072cb/9c2415158c9949b6c1257792006c115e?OpenDocument)

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The NGO „The City is for All” turned to the ombudsman with the issue of sanctioning the “inappropriate” use of public place. The ombudsman asked the Municipality to review and to repeal relevant parts of its decree, but the Assembly of the Municipality – after careful consideration of the ombudsman’s appeal – declined to change it.

The ombudsman therefore decided to bring the issue before the Constitutional Court and to challenge, on constitutional grounds, the legislation adopted by the Municipality (specifically Section 15/B (1), points c and d of amended Decree No. 59/1995), as well as Section 146/A of the Act on Offences, and articles (4)-(6) of Section 54 of the Act on the Formation and Protection of the Built Environment. The above submission is under consideration by the Constitutional Court. (See also questions No. 2 and 11.)

**9. What legal recourses available to the affected persons to contest administrative and legal decisions based on these amendments? Has free legal aid been made available for the affected persons?**

A substantial element of the prohibition relating to the use of public places as habitual residence, as well as a fundamental and significant guarantee is that the procedure falls under the jurisdiction of the court, and the decision may be appealed with suspending effect within 8 days from notification of the decision at the court issuing the decision [Act on Misdemeanours, Sections 36(2) and 121(1)]. In order to avoid the criminalisation of homeless persons, it is a substantive guarantee that the sanctions shall not be applicable if the local government does not provide for homeless services.

It is worth mentioning that no procedure has been initiated to date under this new section of the Act on Misdemeanours.

As for the arrest of homeless people, we wish to indicate that pre-trial custody may only be ordered in criminal proceedings and **exclusively by the court**, in case conditions defined by law prevail. Pursuant to the above provision of the Act on Misdemeanours, a misdemeanour may be sanctioned by detention or fine. The Act on Misdemeanours contains the following on detention:

*“Section 14*

*(1) Detention for committing a misdemeanour must always be established by law.*

*(2) The minimum duration of detention shall be one day and it should not exceed sixty days, with the exception of Section 24(1), and thirty days in the case of a minor. During the detention minors and adults shall be held separately.*

*(3) The period of detention shall include the entire period of custody for the misdemeanour, and the arraignment period exceeding four hours. Every calendar day when the perpetrator was in custody shall count as one day of detention in the period of custody for the misdemeanour. Arraignment exceeding four hours shall equal one day of detention.*

*Section 15*



*Detention shall not be applied, if the prosecuted person*

*a) is an individual with disabilities as defined in the Act on the Rights of Persons with Disabilities and Ensuring their Equal Opportunities or receives hospital inpatient care,*

*b) is a woman reaching the fourth month of pregnancy, a single parent raising a child under the age of 14, or a person looking after his/her family member with disabilities or requiring continuous care alone."*

It should be noted that Act II of 2012 on Misdemeanours, Offence Procedures, and the Offence Registration System (hereinafter: New Act on Misdemeanours), effective as of 15 April 2012, will in its Section 186 provide legal sanctions on the violation of prohibition of the use of public places as habitual residence. Under the above regulation, a misdemeanour is committed by any person who does not use the public places within the city borders for their proper, intended purposes, uses such places as habitual residence or for storing personal possessions related to habitual residence. It is a major change that the new regulation terminates the dual-level sanctioning system of misdemeanours; as pursuant to Section 254(2) of the New Act on Misdemeanours, local governments shall repeal the provisions related to misdemeanours as defined in local ordinances until 31 May 2012.

However, after 15 April 2012, similarly to the provisions currently in force, the acts mentioned above shall not constitute a misdemeanour, if the local government does not provide for homeless services as mandated by law.

Under Act LXIX of 1999 on Misdemeanours, those affected

- have to be informed by the authorities about their rights, which also have to be documented,
- have the right to appeal against the decision of the authority, objections can be filed, which will be decided by a court.

Under Act LXXX of 2003 on legal aid, similarly to other public proceedings, persons affected in misdemeanour procedures are entitled to free legal aid, provided by the State.

Furthermore, in misdemeanour procedures, persons subjected to the procedure have the right to be defended by a public advocate; this may also be provided by advocacy groups.

The Booking station referred to in question No. 12, in accordance with the general legal framework, also provides persons subjected to misdemeanour procedures with the aforementioned possibilities.

**10. Is there any on-going consultation with the persons threatened with criminal proceedings following the implementation of Act CLIII? If so, please give the details, date and outcome of these consultations. What measures have been put into to ensure access to information and participation for potentially affected communities and individuals?**

As there have been no cases reported to date under the new section of the Act on Misdemeanours, there are no consultations specifically related to this issue. Social workers employed by the municipalities, charity organizations and the activists of the Hungarian Red Cross are regularly informing homeless persons.

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An Information Office for the Homeless is available in the 8th district, with partial national competence. According to the Act on Social Services, the Information Office *inter alia* assists in the disbursement of relevant aid, pensions, and subsidies.

**Questions related to the municipal decree of 27 April, 2011 and its implementation**

**11. Has the municipal decree been contested before a judicial body? If so, please provide details and outcomes of these proceedings.**

The NGO „The City is for All” turned to the ombudsman with the issue of sanctioning the “inappropriate” use of public place. The ombudsman asked the Municipality to review and to repeal relevant parts of its decree, but the Assembly of the Municipality – after careful consideration of the ombudsman’s appeal – declined to change it.

The ombudsman therefore decided to bring the issue before the Constitutional Court and to challenge, on constitutional grounds, the legislation adopted by the Municipality (specifically Section 15/B (1), points c and d of amended Decree No. 59/1995), as well as Section 146/A of the Act on Offences, and articles (4)-(6) of Section 54 of the Act on the Formation and Protection of the Built Environment. The above submission is under consideration by the Constitutional Court.

**12. What is the legal basis for the establishment of the police booking station in Budapest 8<sup>th</sup> district?**

Based on Decree No 59/1995 of the Budapest Municipality the local government of the 8th district established a nonstop operating **Misdemeanour Office** which enables police officers to arraign perpetrators of misdemeanours around the clock. Up to now, 1708 persons have been arraigned to this Office.

The Misdemeanour Office operates within the competences of the Notary in Budapest 8<sup>th</sup> district in accordance with the Act on Misdemeanours. **The Office – even before the change – used to handle cases of persons caught in the act of committing misdemeanours in public places. The changes introduced in October 2011 affected only the working hours of the Office, which now operates nonstop. This enables police to deliver offenders to the Office at any given time.**

It has to be emphasized that misdemeanours committed in public places are not limited to habitual residence in public places but also include littering, drinking alcohol and vending goods without authorization. Therefore **numerous persons brought to the Office were not homeless and even a great number of the homeless persons were brought to the Office for committing misdemeanours other than establishing habitual residence in public places.**

The Misdemeanour Office conducts a uniform procedure in all the above cases, including the collection of evidence, in accordance with the Act on Misdemeanours. Based on the provisions of the Act, the Office examines the personal conditions of the offenders and takes into account the principles of proportionate and gradual sanctioning, first time offenders are only given a warning. Homeless offenders were provided with detailed information on shelters in the 8<sup>th</sup> district.

**13. What are the legal recourses available to the persons affected by the enforcement of the decree? Has free legal aid been made available for the affected persons? In particular, has free legal aid been made available for persons processed at the above mentioned booking station?**

Any procedures initiated based on local municipal decrees shall be governed by the procedures and guarantees provided for by the Act LXIX of 1999 on Misdemeanours.

Under this Act, those affected

- have to be informed by the authorities about their rights, which also have to be documented,
- have the right to appeal against the decision of the authority, objections can be filed, which will be decided by a court.

**Under Act LXXX of 2003 on legal aid, similarly to other public proceedings, persons affected in misdemeanour procedures are entitled to free legal aid, provided by the State.**

Furthermore, in misdemeanour procedures, persons subjected to the procedure have the right to be defended by a public advocate; this may also be provided by advocacy groups.

The Booking station referred in question No. 12, in accordance with the general legal framework, also provides persons subjected to misdemeanour procedures with the aforementioned possibilities. (See also under question No. 9)

**14. What shelter alternatives were provided to homeless persons that have been evicted and/or detained based on the decree?**

It is important to emphasize that to date not a single person has been evicted from his/her residence or has been detained based on the provisions of the decree issued by the Municipality of Budapest. Even in many cases of repeated misdemeanors, the local Office on Misdemeanors in the 8th district of Budapest only issued warnings, and the status of income, as well as a gradual approach have always been taken into consideration when deciding upon a fine. Following the entry-into-force of the modified Act on Misdemeanors, only courts will have the authority to decide whether to detain a person and the offender may only be indicted if local authorities are otherwise able to provide adequate shelter, both in terms of quantity and quality.

Implementation of the so-called "Heated Street" program started with the refurbishing and renovation of the assigned buildings on 28 October 2011. The Ministry of the Interior has been closely coordinating with the Ministry of National Resources, the Municipality of Budapest, Hungarian Railways, and the Hungarian Maltese Charity Service in order to develop a more robust, reliable and secure system of housing. Three projects have been finalized in three different districts of Budapest (altogether providing night-shelter for 448 persons, and day-time service for 276 persons), and the reconstruction of one building is currently under way, with the aim of providing night-time shelter for 250 persons. In the framework of the "Heated Street" program, local and state authorities provided 1,9 million EUR for the renovation of buildings, and the Government of Hungary increased by 1,1 million EUR the budget-allocation dedicated to homeless services of the Municipality of Budapest.

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The new municipal law tasks local authorities with the prevention of homelessness, as well as with the rehabilitation and servicing of the homeless. The "Soul Program", which is a pilot project developed by the 8th district and the Ministry of National Resources with a view to prepare municipalities for taking over this important task, aims at the rehabilitation and reintegration of the homeless. To date, close to 100 homeless persons have benefited of this program. For your kind information, please find attached the detailed presentation of the "Soul program" initiated by the 8<sup>th</sup> district of Budapest.

In addition, the Budapest Municipality has its own shelter management organization (BMSZKI) providing services for 1500 people. The plan is to raise this number by at least 720 in the coming years, with the improvement of the cooperation between BMSZKI and the organizations participating in the "More humane conditions instead of public places" program.

An Information Office for the Homeless is available in the 8th district, with partial national competence. According to the Act on Social Services, the Information Office inter alia assists in the disbursement of relevant aid, pensions, and subsidies.

**15. What is the current situation of the persons affected by the enforcement of this decree? Was any measure undertaken to avoid worsening the housing and living conditions of the people affected?**

In Hungary, despite the worldwide economic crisis fundamentally influencing the Hungarian economic situation, several tenders, programmes and projects had been implemented in the past years to prevent homelessness and to improve the situation of the homeless. (See answers to question No. 14.)

The unusually cold winter this year made a few additional measures necessary for the protection of the homeless in the country, including in the 8th district of Budapest, even in cases where the person concerned had not become homeless in the 8th district and was using public places instead of the available homeless shelters. These approximately 40 persons were provided temporary shelters and/or adequate clothing, blankets, food, firewood, as well as medical services. Authorities have not initiated any misdemeanor procedures during this process.

For the purpose of the quick and humane implementation of police tasks, the National Police Department issued an Order based on relevant provisions of the Act on Police to increase protection of the homeless during the fulfillment of police duties related to the prevention of emergency situations due to wintertime and threatening homeless individuals living in public places.

In general, the regulatory approach of the Order primarily allows the maximum protection of the social group of homeless people, particularly for the prevention of killing frost and frostbite jeopardizing especially homeless persons in the wintertime as well as crimes committed against or potentially by them.

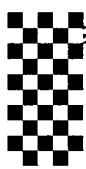
Pursuant to the Order, the leaders of county/metropolitan police headquarters shall act via leaders of police stations and leaders of border offices to map the "temporary residences" of public places used by homeless people starting from October, and take the necessary measures to prevent any crimes committed against them.

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Among others, an **additional obligation to be assumed by police officers** on duty, if required, shall include the prompt arrangement for an ambulance transport of homeless people injured or in crisis, the provision of information on the available services of charity organizations, and the immediate contact with the competent regional dispatcher service in case the homeless person in crisis does not know the place, possesses no cash, or would endanger public health by using public transport vehicles.

Date: 21 February 2012



Capital City Budapest 8th District,  
Local Government of Jozsefvaros

SOUL-PROGRAM

DECEMBER 2011

# Community Program for Housing, Way of Life, Spiritual-assistance, Existence- creation (SOUL-Program\*)

Model Experiment For the Complex Rehabilitation of Homeless People in Jozsefvaros

December 2011

Contributors and partners:

Local government of Jozsefvaros and its institutions

Mayor's Office of Jozsefvaros

Family Support Center and Child Welfare System of Jozsefvaros

Urban Management Services of Jozsefvaros

Medical Services of Jozsefvaros

„Kisfalu” Ltd.

„Rév8” Ltd.

Community Houses of Jozsefvaros Non-profit Ltd.

Cooperative organisations:

Baptist Charity Service

Salvation Army Free-church Hungary

Intermediate organisations:

Religious organisations and non-governmental organisations

Supervision of Public Places of Jozsefvaros

Police Department of the 8th district

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\* The Hungarian equivalent of the Program is „Lakhatási, Élerviteli, Leleki-segítségnyújtási és Egzisztencia-teremtési Közösségi Program” (Community Program for Housing, Way of Life, Spiritual-assistance, Existence-creation) The abbreviation of this expression is LÉLEK in Hungarian so I will use the translated version of the acronym which is SOUL.




Capital City Budapest 8th District,  
Local Government of Józsefváros

SOUL-PROGRAM

DECEMBER 2011

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Employment and Housing Program, the operation of the SOUL-House ...	Hiba! A könyvjelző nem létezik.
Unemployment rehabilitation .....	Hiba! A könyvjelző nem létezik.
Spiritual-assistance .....	Hiba! A könyvjelző nem létezik.
Other services .....	Hiba! A könyvjelző nem létezik.
Community collaboration .....	Hiba! A könyvjelző nem létezik.
IV. Preventing Homelessness .....	Hiba! A könyvjelző nem létezik.

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## I. Description of the situation, antecedents

Homeless services are significantly concentrated in Jozsefvaros in the last twenty years.  
*Related to the datas of the capital:*

- one fifth of the accomodation in the capital city (18%)
- one quarter of the non-special accomodation such as shelters, heated shelters, temporary accomodation (23%)
- using proportional numbers, considering 100 thousand inhabitants, this is nearly four times more than the average in the capital
- it is five times more than the non-special accomodation comparing this to the rate considering 100 thousand inhabitants in the capital

The distribution of the homeless is not equal within the districts, most of the homeless services can be found mainly in Jozsefvaros.

Analyses<sup>1</sup> showed that a significant number of care facilities can be found in the Magdolna-quarter, which is named after of crossing the following streets: Fiumei Street- Baross Street- Koszorú Street- Nagyfuvaros Street- Népszínház Street. In Magdolna-quarter temporary shelters which provide overnight accomodation, it is obvious that clients use them for a short period of time so there are others who can come there too. As a result of the district's central location and its facilities (market of the Teleki square, the benches of the Mátyás square, open gates of houses and neglected places) many homeless and people regarded homeless visit the institutions in the area.

The high concentration of homeless in this area makes the improvement of public places more difficult.


Regarding to homelessness the directly deteched problems are the following:

### *The majority of homeless people*

- hang out in the streets, public places until they can find a refuge in shelters, warming centres or to get warm food in the soup kitchen
- occupy the streets, parks and squares and improvise shelters such as a large cardboard box, consisting of tarpaulins and blankets or just sleeping on the ground in a sleeping bag taking away to use these public places functionally
- do the human needs in the public areas or the doorways
- drink alcohol, use drugs in public places

<sup>1</sup> Analyses are made because of the district's successfully carried out social urban regeneration program supported by the European Union as well



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- leave the garbage in the streets which comes from the living-style and the „dumpster-diving” as a possible income (but they are causing sanitation problems with the improper use)
- get quite often into a fight but not just with each other but occasionally with the people who live there especially when they find a sleeping place in a cellar, doorways etc.
- become a victim easily between a huge number of homeless people (beggar mafia)
- banned from the homeless shelter because of the bad behaviour (drinking, fighting, stealing)

Empirical surveys in the Magdolna-quarter revealed that the population in this area considered the homelessness as a major problem. So the local-government needs to work out a global program which is able to reduce the causes of homelessness and find new solutions.

In 2010 March the local representative body made an *Action Plan* about the homeless caring system. The aims of the Action Plan were the following:

- ensuring a clean, hygienic safe living environment and public places for inhabitants of the district
- in two years achieving to reduce the overwhelming use of public places by the homeless people
- initiating that service capacity should not increase above the rate of the capital, the facilities on the lowest level should not be reduced in the process of the differentiated reorganisation of the district service

However it is necessary to be noted that the local government did not have a meaningful role of creating the unequal homeless care oversupply. On the contrary from the end of the '90s the leaders of the district wanted to distribute homeless services fairly and proportionally in the territory of the capital. After all the financing of the care-system and the task did not make it happen to change the events.


Taking care of homeless – except the Day Centers and Street works - is the task of Municipal Government in its territory. The location of the institutions was up by the Municipal Government and also the other important participants of the caring system (religious organizations and non-governmental organisations<sup>2</sup>) were allowed to make their preferences between the districts and choose the type of the caring.

Furthermore the concept of homeless caring as a problem to be solved made the local conditions more complicated. According to the Social Law homeless people need to be taken

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<sup>2</sup>later: NGO-s

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care of where they are located. Although in the case of other social cares (financial, institutional services) is obvious that the indigent is able to get supplies where he lives and has been helped out by the community. However this opportunity ends as soon as he becomes roofless and the community in its interest has the right to send him away. So he just gets out from the system where he used to live and needs to face new problems without any support. Nowadays it happens more and more that an innocent place has to take care of homeless instead of the one where he gets into this situation.

2500 homeless people are registered in homeless shelters and in public areas in Budapest's 8th district by the datas of the central address register. Among them 300 (12%) people became homeless in the district. So the others who are registered (88%) here got into the rooflessness outside of Jozsefvaros which means an unfair distribution between the districts.

Having accepted aims made the leaders of the region start intensive negotiations in order to achieve the directs of the Action Plan, however the willingness of changing did not meet the intention of breaking the status quo.

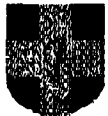
In this situation own methods had to be created without including other members and needed to stand up a complex and connected systems focusing on the following two serious questions:

- restoring the order of the public places and keeping it on an adequate level
- taking care of those homeless who became roofless in the district from own budget and as a free-will task and handling this problem with new aspects.

In order to improve the circumstances of public places a new ordinance was enacted that makes scavenging out of waste containers – a.k.a., *dumpster diving* – a violation punishable by fines. Then the whole structure, methods of the governmental services which are responsible for ensuring public sanitation conditions and keeping parks clean were needed to reorganize. The aim of this was to have a sanction-system against who do not keep public places clean, besides the enforcement action to organize a cleaning park - and road maintenance works to rise the quality of living in Jozsefvaros.

A day-and-night operation was set up against the experienced infringements of local laws in order to reduce the number of crimes in public places. In October 2011 we started a *program for public order and safety* in cooperation with the Police Department of the 8th district. During this period policemen and supervisors of public places also worked around the clock enforcing the principle of zero-tolerance. With the help of camera system in the district they managed to catch 1100 criminals committing a crime at that moment. They could successfully arrest more than fifty wanted people as well.


The effects of the action were appeared immediately in public places. Datas of the Urban Management Services showed that the amount of collected garbage from public areas fell back for one third than earlier. The Services has been employing homeless people for a long time and because of the decreasing of garbage they are able to make public places clean day

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by day with an unchanged number of employees in the whole territory of the district. This was impossible earlier, because it required two days.

The *program for public order and safety* as well as the reorganisation of the cleaning tasks the district became orderly in a few weeks. Finally the inhabitants of Jozsefvaros were glad that they could use the parks and playgrounds again ignoring the cold weather.

At the same time of introducing the *program for public order and safety* the local government announced that they would create and start a program for helping homeless in the district. Its aim will be to do away with homelessness and to show the way for these people to fit into the social structure again. The name of the program is „SOUL-Program”.

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## II. Aim of the SOUL-Program

Lots of studies, researches are in the press about the problems of Hungarian homeless-services and why it happens. We do think that the current institution system does not motivate of changing. It only ensures food, clothing, giving a place to sleep and necessary cleaning conditions but except some experimental programs there are no helps for rehabilitation. This system could not cope with the whole situation and makes the homeless status not just a temporary life-situation but a neverending condition.

Being a member of our program is based on the concept of making it understand in the very beginning that with our help and with willing of the participant we could show a planned way how to end the homelessness and how to could become a useful and valuable person of Jozsefvaros's community.

Homelessness does not happen from one day to another, most of the cases this life-condition is the last phase of slipping down from a normal life.

A very expressive example is the case of a middle-age man who has an addiction or because of his mental or psychological problem losing his job, his family life is being progressively ruined, his marriage ending with divorce and the court gives his ex-wife the exclusive right for using the house because of the safety of the children.

Rooflessness makes an unmotivated person who is not just strong enough but also has not an ability to start a new life all by himself. Getting into a community of homeless people means a meeting a special subculture which has got a way too different norm-system, an everyday task how to stay alive and has an own argot.

Living in this subculture with the efforts of negative social judgment it is easy to forget the rules of living together in everyday's life and the priorities change from the social expectations to the integration in this new environment. If the homeless is not lucky enough to get in an understanding atmosphere in the early period of his position where he could get the help to break out and to have a chance to meet a professional help than his chance to get back is way too minimalism.

In the actual care system the homeless meets lots of social workers in the care facilities where he needs to have trust in the professional guidance and as soon as he lives the place he is no more supervised by a helping hand until the next possible showing up. However there is no connection between the countryside and metropolitan social workers so the suppliers only know about the homeless' background (about the personality, abilities and life story) what they let them know. This situation is not good for neither the social workers nor the homeless because social workers always have to make compromises which often leads to burning out. On the other hand abuses can happen on both sides.

The solution is obvious: homeless has to be treated where his location is. In this case his family connections, his past are in front of the helpers about the homeless.

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The complex caring needs to focus for creating adequate life conditions of on own, independent housing, to ensure livelihood by having a job and to teach them how to organize the incomes all by himself. Involved in a similar group and community where he has been taking care of is also meaningful. Last but not least being able to maintain these circumstances is also an important condition and preventing the possibility of slipping back even with special treatments (like solving addiction, psychological illnesses, lack of education and social skills) is the criteria of a well-functioning program.

It is obvious that homelessness is not only the result of social problems it is strongly related to have health-care, employment, education, housing policy, criminology, and psychology. The local government managed to create and start this program within two months because every professional background was available for them. They had to use the already existing resources in different way – as projects. The fact that the local government used its own money for carrying out this program meant a huge financial burden in the current situation of the budget. Furthermore it saved the executives of the program from the bureaucratic obstacles and bad professional compromises which can appear in the case of external experiments that need sources from the European Union. We just had to spend money on practical things which were unavoidable for carrying out the whole program.

In the next chapter we are introducing the SOUL-Program in detail with its sub-programs focusing on the complex approach and on the benefits of using the already available resources and tools.

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### III. The Sub-programs of SOUL

Name of the Program includes the main pillars but it will not be introduced in sequence.

**Soul-point:** it is an information point of the Program which is responsible for the individual treatment and for mentoring, not to mention to coordinate the governmental organizations. First of all it has an important role to help the homeless from Jozsefvaros and to give them information (how to be a participant or letting them know other supplies) about the Program. It is also capable of designing a helping program and planning the way to make it work. The soul point is established in a governmental place just for the Soul center and it is functioning as the part of Family Support Center and Child Welfare System with three social-workers who have experiences in homeless people caring and with a social assistant.

**Soul-House:** this is the accomodation for those homeless who are employed by the Program. They have to pay for the living in. Institutionally this house is a part of the Urban Management Services and can be found in a separated place.


**Urban Management Services:** it belongs to the local government which provides and coordinates all the works (operating, maintaining public order) of public areas in the district. (*The main tasks are:* keeping public places and parks clean; maintaining the equipment of the playground safe and clean; road constructions; waste management; maintaining order during the organized programs in public areas; operating the market of Teleki square) It is the center of the *Employment and Housing Program*. The predecessor of the Program used to give jobs those who proved in a one-year period to be a trustable workforce therefore they get a chance to be in the mentoring Program.

**Baptist Charity Service:** the professional details of the Program required to involve external partners who have extensive experiences with homeless-caring and able to add their „knowhow”. The local-government made a cooperation agreement with the Baptist Charity Service, the details of it should be found in the first appendix.

*The four emphasized areas where the Baptist Charity Service helps for executiving the Program are the following:*

- participation, supervision and guidance for the SOUL-Point's professional methods work out
- professional support continously for the SOUL-Point's workers, participation in team-meetings and in discussions
- cooperation with the Urban Management Services, counselling not just to accomplish the sub-programs but to implement them and also to protect accomodation for the homeless

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- to help those homeless who cannot be involved in the complex *Employment and Housing sub-program of the SOUL-Program*, and on request to give them temporarily or individual assistance

**Salvation Army Free-church Hungary:** it is another supportive and executive external partner of us which also has a cooperation agreement (can be found in the second appendix)

*The cooperation is focusing on two areas of the Housing sub-program:*

- collaboration with the SOUL-Point and with the Urban Management Service and giving accomodation over the capacity of SOUL-House
- to help those homeless who cannot be involved in the complex *Employment and Housing sub-program of the SOUL-Program*, to give them temporary or individual assistance

In addition to this the Salvation Army is involved in the mentoring and community program and if necessary it helps rebuilding family connections or finding places for family with children.

**Community Houses of Jozsefvaros Non-profit Ltd.:** is a company in the public interest of the local-government in order to start and incite the social integration in Jozsefvaros, specifically in Magdolna-quarter. Its most important institution is the „*Kesztyűgyár*<sup>3</sup> *Community House*” in which there are some relevant functions (job-fairs, and the so-called women-group) to motivate the integration progress. It is contributed in the Mentoring – Spiritual Assistance- and Community sub-programs.

**Medical Services of Jozsefvaros:** it is an outpatient-care institution, operated by the local government. It organizes the medical care for the homeless who are in the Program.

All these organizations, institutions are working together for solving the following tasks.

#### **Mentoring, the operation of SOUL-Point**

During the Program, every homeless gets a personalized care and an individual treatment. The case administrator is the same social-worker for the whole period of the rehabilitation no matter where and what kind of services the homeless gets. It is also a basic principle of the Program to be as a „*life-coach*” for the participants as long as the rules allow. Regarding to the term of the Program, it could take several years so there is no reason why not to guarantee a more active than usual support from the very beginnings. We want to avoid the situation in which the homeless quits the program because he can become demotivated as a result of negligence in administration or the negative experiences in the process of health care.

<sup>3</sup> in English: glove-factory (but it does not function as a real glove-factory)

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Mentoring is not only the main task of SOUL-Point but the social-workers as well. Furthermore all the cooperative or involved organizations take part in the Program in order to make the homeless believe that everyone wants to help them and they can have the chance to lead a normal life even after ten years on the streets.

As the SOUL-point is doing the personalized care and it is the entering for the Program we should look at it in practice.

The SOUL-Point is an office with two rooms in which the first one is capable of receiving and informing clients and the other one is for administration and making interviews. The clients are waited by the social-assistant who tries to make a pleasant atmosphere and dissolve inhibitions. The assistant has to explore the applicant's condition, intentions, if it is necessary to help solving individual crisis situations as well as giving information about the SOUL-Point and the SOUL-program. All the relevant information is available by the assistant and also they can have written documents about the most important things like services, accomodations etc.

Applicants need to comply with the following requirements to have the right being in the Program: *they have become homeless in Jozsefvaros and they have to prove that they have lived in the district at least for five years.* During the conversation if a client is found to be required, the assistant sends him to the Registration Office where can be immediately proved the homeless's possible right. In the case if he is an inhabitant of the district he is getting an appointment for the social-worker but if he does not belong to Jozsefvaros also could be assisted by administrative and individual needs' support.

Registration forms are left all the places where homeless people might go (all the institutions and organizations of the local-government) and also they are informed by the procedure of summary offences not to mention that the supervisors of public places also have the forms. If the papers are not filled in the SOUL-Point then they are sent automatically to the Registration Office. After the checking when it turns out that the applicant is suitable for the Program, the application forms go to the SOUL-Point. The SOUL-Point could get in touch with clients by the indicated contacting information. The details of the Program are found in the newspaper of the district and the widespread communication between homeless also ensures to know about it.

At the SOUL-Point every visitor is registered in a diary with the necessary information about the person. The practice of doing the compulsory administration comes from the Family Support Center and Child Welfare System.

At the first meeting the social-worker besides to establish personal connections (using the following questions e.g.: „How are you doing?; How can I help you?; Why do you want to get in touch with us now?; What is your future plan? What family connections do you have?") not just fills the registration form of the first meeting but the Case Diary as well. This can do it again several times as long as a social-diagnosis can be made. It can show those areas what the applicant wants to change.



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Depending on meetings, persons's life-situation, the social-worker and the client are planning the way and the term of the cooperation and they are fixed it in writing. According to the agreement the client can be participated in the Program but it is not compulsory, he can freely choose to stay out. In that case if he does not want to join the Program, he has to be informed that the SOUL-Point is still an option for him anytime he feels like coming back.

The case-coordinator is the social-worker who is doing the first interview. (the case coordinator can be replaced by the client or by the helper's initiating, but only with a team-decision) The case-coordinator brings the case of the client to the team-meeting where they define the common directions and make the agreement. Agreements are reasonable programs for short period of time which can become more detailed after a while as a result of the cooperation. Teams take care of the evaluation of the agreements and the preparation for resigning the contracts at least in the first period for sure.

Case-coordinators and clients who are helped by the SOUL-Point are meeting weekly but the most intensive connection is with the participants of the SOUL-Program. We will put down everything if the local government cooperates or communicates with other organisations, institutions that help homeless.


SOUL-Point is also responsible for taking care those who are out or might be ejected from the Program.

*SOUL-Program is offering the following services which are worked out by the team of Soul-point:*

- employment
- living
- health care
- administrative helps
- managing social supports
- supporting to participate in training programs
- offering community services (spiritual-assistance, the groups of „Kesztyűgyár” Community House
- rehabilitation for unemployments

Another important part of the Program is the *Employment - and Housing sub-program* which can offer an improvement. Therefore the head of the SOUL-House takes part the team-meetings of the SOUL-Point. The SOUL-House and the SOUL-Point besides the individual treatment use the tools of group social work in order to protect the most suitable help no matter in which phase the applicant is. Lots of challenges (*socialization and integration in the community of the SOUL-House, preventing the possible stress, money-handeling, moving into official residences or having an own tenement flat*) need to be dealt with through the Program and it has to be the task of all the helpers. Regarding to this the place and the agendas of the meetings are changing of the team-decision.

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The cooperation of the client and the SOUL-Point as the individual case-manager could end in the following cases:

- a successful employment and housing rehabilitation
- permanent or final placement of homeless not participating in unemployment rehabilitation
- the client's decision
- the teams's decision

There is no reason why not to maintain the cooperation if the applicant finishes the Program. The helping process – even the changes of the circumstances - could restart.

**The participants of the weekly team-meeting are:** the employees of the SOUL-Point; a delegated person from the Family Support Center and Child Welfare System; the head of the SOUL-House; an employee from the Employment sub-program and occasionally colleagues from the external partners. (by agreement) The team-meeting is running by *Marcell Miletics* who is the delegated person of Baptist Charity Service.

**Team-tasks:**

- making decisions about agreements and cooperative work with clients
- discussion about information, plans, problems, solutions concerning the rehabilitation of the clients participating in SOUL
- working together with the institutions cooperating with SOUL-Point
- organisation of work, questions and plans

Team-consultations need to be administrated in a system so the decisions, and all the information about the clients can be easily searchable. The employees of the SOUL-Point and the head of the SOUL-House take part of the supervision work of the Family Support Center and Child Welfare System.

**Employment and Housing Program,  
the operation of the SOUL-House**

The importance of a created existence has been emphasized earlier so it is unnecessary to explain why it means the key of the Program to offer a full-time, valuable and reported job. The variable tasks of the Urban Management Service provides the opportunities to select the applicants by considering the personal factors such as qualifications, skills required and experiences. A complex carrier can be designed inside the Urban Management Service.

When entering the Program the participant is analysed by the case-coordinator and the team. Their offer helps to decide the content of the contract which is written for every individual based on the homeless' skills. The employer (in this case the Urban Management Service) needs to do not just the performance-evaluation but the demands of the Program. Promotion, resignation dismissal or other cannot happen without the consultation with the team of the SOUL-Point.

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Besides the job-offering it is also important to guarantee living-quality differences. Applicants' accommodations are solved in the SOUL-House or in the offered places of external partners which all mean community lodgings. *Salvation Army Free-church Hungary* and *Baptist Charity Service* also make places available in those houses which are running in a traditional homeless-caring system. Our choice was not just a coincidence. In the first chapter we referred to the fact that in the institutions the supply system is prevailed but there are some outstanding programs and initiations which offer against homelessness far more than just concentrated to ensure personal needs. Both Services have a special professional program for making people able to break out and rehabilitation. Therefore those who cannot get a place in the SOUL-House should be sure that these Services can also protect adequate conditions.

It is very important to emphasize that during the whole Program the case-coordinator is the social-worker of the SOUL-Point no matter where the homeless is located. This new aspect will be worked out with the cooperative partners or occasionally variable part-agreements can be tried in practice.

After the first period of rehabilitation progress those homeless who are proved to be on the next level of the Program can enter it. Ten selected rented houses of the local government are going to be renewed and reconstructed but will be functioning as an official residence. These houses are transitions between the community houses and flats in order to prevent the negative possible effects of living on one's own. Those who proved in the official residence to be able to manage their own life, work effectively without supervision, live in the community without complaint, they can sign a contract for use then later on they could rent an own rented flat with lease-contract. All that means that the homelessness status with the participation in the Program finishes and the person gets into a flexible but a followed period. The following-up will not be happened by the SOUL-Point just for a short time but family supporters or childcare services will take care of them.

The carrier of the homeless and his location's possibilities is decided at the Urban Management Services. As we can see the two sub-programs are strongly loaded with social professional elements therefore it is more than important to have a qualified employee with these special skills at the Urban Management Service. Employees of the Service are going to be placed in the SOUL-House.

SOUL-House does not fit in the traditional homeless-caring institution system, it is sort of a „defended-house” which remembers a combination of workers' hostel and temporary rehabilitation accommodation-types. It is planned to make it work with regulations like in student-hostels but its detailed professional program will be see in practice. We like to try every technique and practice which can make the Program successful. We are definitely certain about to design the SOUL-House mixed, in which we are going to use techniques to help alcohol problems and want to have a busting social life. The SOUL-House thanks to the official kind could become not just a residential-community but a work-community. In both community-forming we are offering mentoring for those homeless who have been working at the Service for a long time.

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The social-workers of the SOUL-House and the case-coordinators of the SOUL-Point are cooperating strongly with each other and they are going to make decisions at common team meetings about the cases of individual homeless.

### Unemployment Rehabilitation

It is allowed to be in the Program for those homeless who are temporarily or permanently not able to get a job at the Service. This may have been caused by serious addiction, mental or physical degradation, old-aging etc. However the Program is suitable for giving opportunities them as well. They are also getting an individual case-caring plan, medical care, community support. Program will be successful by leaving the homeless life-period. In their cases it is needed to focus on finding a temporary or final solution to the health and old-age problems with treating them in institutions for non-homeless. Naturally those roofless who can be rehabilitated, they also have the right in later phase of the case-caring plan to be involved in the complex Employment-and Housing Sub-program. We count on a significant support from the two external partners: Baptist Charity Church and Salvation Army Free-church Hungary.

### Spiritual-assistance

We offer besides existence-creation and solution to housing problems spiritual-assistance to the participants of the Program. Client can freely join ecclesiastical associations, secular communities, groups, clubs etc. Inside the Program in the SOUL-House there will be lot of service clubs as well. We would like to use the experiences of the „Kesztyűgyár” Community House because it has been running a support group for homeless women.

### Other services

We guarantee an organised and coordinated medical care for homeless of the Program. For the part-programs the Medical Services of Jozsefvaros is responsible with the case-coordinators of the SOUL-Point.


We give help with the solution of legal or official procedures of the homeless. Therefore we have free legal-, information assistance and if it is needed we guarantee active official help as well.

We search for all the available support which can be applied even for those who are non-homeless such as financial benefit or contribution-in-kind and different kinds of pension.

We organise courses and support the participation in them. The reason for this to make them able to get a job easier in the labor market. We also help to get them to give them a proper education and find a suitable workplace either in the institutional system of the local government or in the open labor market.

Furthermore we think it is very important to rebuild broken family relations and help them find their lost relatives too.

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### Community collaboration

So to remember the SOUL-Program is based on the principle that every local community is responsible for its members who have become homeless and for taking care of them. Our local government is trying to put this idea into practice however it is important that the community of Jozsefvaros have to participate in the process of helping for the most defendless in a more indirect way. That is why the local government has announced solidarity program using the local public forums of Jozsefvaros as well as they organised a charity concert. The announcement of the solidarity program can be read in the fourth appendix and the leaflet of the concert can be found in the fifth appendix.

The solidarity program is not finished yet so we are not ready to give a detailed information about it. It is sure that we have got a huge amount of help from local civilians and entrepreneurs in order to furnish the SOUL-House and renovate the official residences.

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#### IV. Preventing Homelessness

Homelessness prevention is a complex task in itself. Creating the Program showed that in a system where homeless people's rehabilitation is the responsibility of the community, it is essential to extend a Program in the direction of prevention. If there is a chance to find solutions for problems in the term of slipping down it could be helped with less effort for a potential homeless. The local government's regulations and practice were studied and we found out that in the last few years we have built up serious and efficient tool-system and it just has to be worked on and needs to be strengthened through campaigning.

The local government ensures support for the maintenance costs of housing – as a compulsory task – and in the reducing debt procedure guarantees help with living costs.

Jozsefvaros has a distinctive status compared with other districts and it still disposes serious social rented houses because of its local history specialities, urban innovations and the composition of people. Lots of families and singles could not take advantage of buying their rented house in a reduced price not just now but in a future as well. These families and people are the most endangered therefore the local government supports them further helps for living.

There is a differentiated system between the rents which is based on the tenants' financial situation. According to this the moderated prices – depending on the comfort level and the condition of the house - are 140-360 HUF/m<sup>2</sup> for socially indigents. This preferential entitlement is created those whose consumption quantity is less than the triple of the minimum pension. Put in a context it is noticeable that the „costs-principal's-rent” could be 150-400 HUF/m<sup>2</sup> while the „market-based-rent” 270-720 HUF/m<sup>2</sup>.

From 1st of February 2012 the rents should be raised (because of the inflation and VAT) except the social-rents so the prices will change for the followings: *costs-principal's rent* will be 180-470 HUF/m<sup>2</sup> while the *market-based-rent* 320-845 HUF/m<sup>2</sup>. Meanwhile the limit of entitlement for social rent will be raised from the current 300% of minimum pension to 350%.

Every indigent for social-rent will be getting rent-assistance from own budget.

Not just the maintenance costs of housing but the rent-assistance are services in kind, that is why they are directly transferred to the supplier or to the *Kisfalvi Ltd.* which deals with the leasing out.

The local government and the *Kisfalvi Ltd.* use all the available opportunities to prevent tenants with debts of Jozsefvaros to become homeless. It is an emphasized aim to avoid losing home because of arrears.

Debt management is the basic tool of arranging arrears and the local government has an efficient and well-working reducing-debt procedure.

Thanks to the local government ordinance about the debt management services from August 2010 not just tenants but illegal home users can be received in debt management services but only a part of it just in rent and connected service arrears. Those debtors who are socially entitled and have less than 750.000,- HUF outstanding debt, could partake in reducing-debts

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up to 75%. However the tenants could not just get financial help with the rents and the connected service arrears but e.g. electric charge and gas-water tariff.

Besides, if a tenant is socially entitled it means that he or she can apply for not just the rental costs for housing but normative support maintenance costs for housing as well as if he or she is entitled debt-reducing support – instead of support for maintenance costs of housing- he or she automatically gets support for maintenance costs for housing connecting to the debtors debt-reducing support, from the beginning to the end.

In the reducing-debt's progress the local government cooperates with **HÁLÓZAT- Foundation for Budapest Fee Payers and Defaulting Payers**. The Foundation seeks to support socially handicapped with different support such as the so-called „Utility Fee Compensation”. The indigent is eligible for once a year getting winter overhead support if there is a pensioner in the household. The Board of Trustees could give „Support for paying outstanding fees” those who are not able to pay their utility charges for a long time. This could be granted only once every three years and the amount could be maximum 300.000,- HUF. (the amount of this support was 500.000,-HUF from August 2010 to July 2011) When the tenancy is abrogated because of debt and that is why a debtor becomes an illegal home user he or she can get support for paying outstanding fees from HÁLÓZAT for paying rent arrears if the lessor declares that in the case of the arrears are paid out the tenancy is restored. This happens in every case in which tenancy is abrogated because of that.

The same requirements are valid for the „Aid in crisis” which is an immediate support, designed to help people who lease their homes but termination their lease agreement is pending.

In each case when renter's or illegal home-user's debt is over 750.000,- HUF the Family Support Center and Child Welfare System of Jozsefvaros requires support from the HÁLÓZAT for the debtor in order to make the debt reduce under 750.000,- HUF.

If the debtor is entitled either to the debt-reducing support or support from HÁLÓZAT, the Social Law allows them to make payment agreement with *Kisfalú Ltd.* which can be for maximum 24 months if they are not able to pay the own funds in one amount.

Those clients who are not eligible for none of the mentioned support could pay their outstanding debt in periodic installments.

According to the rent regulation of Jozsefvaros there are two types of paying installments: renters are maximum 36 months, illegal home users maximum 24 months entitled. The existing regulations let these payment agreements establish in its own authority of *Kisfalú Ltd.* However City Management - and Financial Committee could allow different paying installments' requests.

Most of the cases unemployment causing debt problems. Therefore the local government use all the opportunities of public employment in order to help those people of Jozsefvaros who temporarily or permanently lose their job to support them a regular income. For that reason hundreds of public employees are applied in the institutions of the local government every year.

In „Kesztyűgyár” Community House lots of courses (primary educations, computer skills) have been started to teach homeless new skills which are useful in the labor market, thus

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making possible slipping down avoidable. Also job fairs have been organised similar to the so-called exchange market.

Besides families in trouble are also helped by different kind of social supports: regular or special allowances (e.g. funeral support), childcare protection allowances, public health care.

Kisfalu Ltd. has an important role in the social warning system because mostly the workers of the Ltd. are the first who meet renters and could detect the problems. Every year in January the renters or the users get an information letter with the bill about the conditions of being entitled for social rent and also about the available supports. In opening hours clients are being informed all opportunities and for improving their situation there is a strong connection with the Family Support Center and Child Welfare System of Jozsefvaros.

Before we start to deal with the consequences of homelessness we would like to emphasize the following aspects.

The local government should take care of responsibly of its public property so its business premises and the rented houses. The previously described preventions are able to help but it is only fair and reasonable if they consider the community's interests who do everything to meet the expectations. We cannot be insensitive to the interests of those tax-payers of Jozsefvaros who have invested their money to make social changes in the district.

That is why we believe fundamentally that honesty and willingness to cooperate of indigents could secure a well-functioning supplying services and it is possible to avoid „free-riders”.

The Kisfalu Ltd. is giving attention for handling active and passive arrears as well. Handling active arrears is a quite important task because in the case of manageable liabilities the Ltd. could send demand notes and balances which could make the renters pay before happening a huge amount of arrears.

Active liabilities are those demands which happened in the term of the last six months and it shows arrears over three months. This time demand notes are being sent out with information about the available supports. If debtors do not show willingness to pay the arrears become passive after the end of the twelfth month.


Legal procedure is needed to start in the case of passive arrears. The responsible of the task is the law firm which is sending demand notes and if it is unsuccessful it abrogates the tenancy.

Evacuation depends on the success of arrears handling not on the amount of it. It is also been looked at if the debtors are using the available opportunities or any delaying force actions happen.

Proceeding of distraining is the last resort to reclaim a debt which is anticipated by legal process and warrant for payment. (execution could be proceeded after legally binding judgment and warrant for payment) During these proceedings, debtors could pay anytime even in details. Before taking legal action we always scrutinise the willing of payment (application for installment payment) and the legal steps only begin in justified cases. Through the whole procedure even with the participation of the executive there is the chance for debtors to ask for payment in installments and in that case the proceeding is suspended.



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Sharing the information continuously has a very important role therefore the Kisfalu Ltd. is focusing on it very much.

Before the levying execution, if debtors pay up their outstanding debts until the second day before the deadline when he or she has to move out of the flat and there are no other reasons except for the debts, the Kisfalu Ltd. will not sue and abrogates the proceeding of distraining.

*Kisfalu Ltd.* cant rent the house again for the illegal home users for a year term which they used to live if all the debts are paid. If *Kisfalu Ltd.* accepts the application for paying installments and the debtors pay everything in time then they could use the flat. Houses can be given to be used besides the cost-principal's-rent or in the case of being entitled to pay the same as the social rental price or the use of the house price.

**Because of the detailed facts evacuation only happens just in a few cases.**

General experiences showed that those debtors who are willing to pay do not use the offered opportunities despite the information flow or if they do they miss to accomplish the obligations of the agreement and ignore the demand notes.

Through the planned or extraordinary rental control the „Kisfalu” Ltd. experienced that the significant proportion of renters (60%) are cooperative so they are content to do their obligations as much as they can. Unfortunately the remaining portion (40%) means a serious problem during the rental control because of their aggressive attitude and non-cooperative behaviour.


Unmanageable housing users cause significant troubles for the environment and the community with ignoring the policy and rules of social living together. Workers of the Ltd. warn the renters if they are against the rules and inform them about the possible consequences (e.g. evacuation) But if they meet families struggling with living they also call their attention to the available support.

#### **An extraordinary rental control in the frame of the SOUL-Program:**

Extending the Program the local government is going to start a half-year term program to prevent homelessness. Not just the whole rented-house system will be looked at through the rental control but the conditions of the inhabitants living there, too.

We would like to do environmental studies over the normal procedures which are basically focused on legal and technical works. During the checking progress we would examine individual life situations and those who are found to be in the „danger-zone” would get information about the opportunities of social services and we would help them to get in contact with our external partners and also would offer to find ways of family problems (abusing, divorce, conflict etc.)

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The large number of rented-houses and the short time required to have a well-coordinated team which cannot be imaginable without additional work of the current staff but also with employing external deputies.

As we calculated we do need 10-10 people continuously to do the checking (10 people for the rental-control and 10 people for the examination of social condition) but we would raise the numbers if it is necessary. The controllers would work in pairs and they would visit them at an arranged time.

Those who are responsible for doing the rental-control would be delegated by the Kisfalu Ltd. and the others who would examine the social conditions would be from the Mayor's Office and from the Family Support Center and Child Welfare System.

All of them would attend a preparation course.